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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,717	06/20/2001	Aleksander Szlam	INVE16US	3293
28452	7590	09/20/2005	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,717

Applicant(s)

SZLAM ET AL.

Examiner

Kieu D. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 17-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 17-22 is/are allowed.
- 6) ☒ Claim(s) 23-24, 26, 28-32, 34, 36-39 is/are rejected.
- 7) ☒ Claim(s) 25, 27, 33 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is in response to the Amendment filed on 05/09/05.
2. Claims 1-12 and 17-39 are pending.

Claim Objections

3. Claim 25 is objected since it contains a typographical error. In line 8 of the claim, the word "ofmultiple" should be replaced with "of multiple".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 23 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Jawahar et al ("Jawahar", USP 6256620).

Regarding claim 23, Jawahar teaches a method for providing assistance to a customer at a web site, teaches receiving a request for a web page from a customer (customer accesses a web page; column 13, lines 13-17). Jawahar further teaches the determining whether a customer service representative (agent) is available; if a customer service representative is available then sending said web page to said customer with a HELP option on said web page (Since Jawahar's system initiates to offer help to the user (column 3, lines 7-12) by

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displaying help button and when the user clicks on help button, the user will be helped by a customer service representative (agent; column 14, lines 50-54), it is inherent that if the customer service representative is available then Jawahar's system will send said web page to said customer with help option on said web page (col 7, lines 20-24) (column 14, lines 47-56)).

Regarding claim 28, Jawahar further teaches that said HELP option is a HELP button (column 14, lines 47-50).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Gardner et al ("Gardner", USP 5239617).

Regarding claim 29, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar does not teach that the help option is a help screen. However, such feature is known in the art as taught by Gardner. In the same field of providing assistance to a user in a graphical user interface environment, Gardner teaches an on-line interactive, intelligent help system (column 1, lines 7-12); the system comprises the displaying help screen to provide the user with suggestion screens (Fig. 5). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Gardner

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before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the displaying help screen taught by Gardner with the motivation being to automatically provide the user with suggestions so that the user will receive help quickly without having to click on the help button (Gardner; column 11, lines 37-41).

8. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Ludtke (USP 6584496).

Regarding claim 30, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar does not teach the help option is an audio message. However, such feature is known in the art as taught by Ludtke. Ludtke teaches an on-line help system for consumer electronic devices (column 1, lines 7-10), the system comprises the coordinating the presentation of help information in an audio message (column 1, lines 55-61). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Ludtke before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the presenting help option in an audio message taught in Ludtke with the motivation being to make the system more user-friendly (Ludtke; column 1, lines 46-48).

Regarding claim 31, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar does not teach the help option is a video message. However, such feature is known in the art as taught by Ludtke. Ludtke teaches an on-line help system for consumer electronic devices (column 1, lines 7-10), the system comprises the coordinating the presentation of help

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information in a video message (column 1, lines 55-61). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Ludtke before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the presenting help option in a video message taught in Ludtke with the motivation being to make the system more user-friendly (Ludtke; column 1, lines 46-48).

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Guedalia et al ("Guedalia", USP6356283).

Regarding claim 26, Jawahar teaches the invention substantially as claimed as specified in claim 23 above. Jawahar further teaches the monitoring to see if the user responds the help button (column 15, lines 3-15; Fig. 7B). Jawahar does not explicitly teaches the measuring the time since the help button was sent to the user to see if the user responses to the help button within a predetermined time, but it is inherent in the teaching, since in steps 232, 236, 238, 240 (Fig. 7B), there should be a time set to verify whether the user selects the help button or not to transmit collected data to server and select an agent to provide help (step 238 in Fig. 7B). Jawahar does not teach the sending another web page without help option. However, such feature is known in the art as taught by Guedalia. Guedalia teaches an Internet browsing system which comprises the sending new HTML page by the server computer to the client computer (column 8-12). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Guedalia before him at the time the invention was made, to modify the method for providing assistance taught by

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Jawahar to include the sending new page to the user taught by Guedalia so that the user will not be distracted by the help option of the current page.

10. Claims 24, 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Srinivasan (USP 5185782).

Regarding claim 24, Jawahar teaches the invention substantially as claimed as specified in claim 23 above. Jawahar further teaches the determining whether a customer service representative (agent) is available (column 7, lines 20-24) and sending said web page to said customer with help option on said web page (column 14, lines 47-56). Jawahar does not teach the estimating time before an agent is available and if said estimated time exceeds a predetermined time then delaying said step of sending said HELP option to said customer until said estimated time does not exceed said predetermined time. However, such feature is known in the art as taught by Srinivasan. Srinivasan teaches an automatic call distribution system which comprises the determining the expected holding time that a call must be hold before an agent is available to answered said call (column 4, lines 43-46). Srinivasan further teaches that whether this estimated holding time exceeds a predetermined maximum time (column 4, lines 47-49). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Srinivasan before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the estimating time before an agent is available and to check if said estimated time exceeds a predetermined time taught by Srinivasan with the

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motivation being to avoid the user from waiting too long to get help from an agent (Srinivasan, abstract).

Regarding claim 32, Jawahar teaches a method for providing assistance to a customer at a web site, teaches receiving a request for a web page from a customer (customer retrieves a web page; column 11, lines 15-20). Jawahar further teaches the determining whether a customer service representative (agent) is available (column 7, lines 20-24) and sending said web page to said customer with help option on said web page (column 14, lines 47-56). Jawahar does not teach the estimating time before an agent is available and if said estimated time exceeds a predetermined time then delaying said step of sending said HELP option to said customer until said estimated time does not exceed said predetermined time. However, such feature is known in the art as taught by Srinivasan. Srinivasan teaches an automatic call distribution system which comprises the determining the expected holding time that a call must be hold before an agent is available to answered said call (column 4, lines 43-46). Srinivasan further teaches that whether this estimated holding time exceeds a predetermined maximum time (column 4, lines 47-49). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Srinivasan before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the estimating time before an agent is available and to check if said estimated time exceeds a predetermined time taught by Srinivasan with the motivation being to avoid the user from waiting too long to get help from an agent (Srinivasan, abstract).

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Regarding claim 36, Jawahar further teaches that said HELP option is a HELP button (column 14, lines 47-50).

11. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Srinivasan, and further in view of Guedalia.

Regarding claim 34, Jawahar in view of Srinivasan teaches the invention substantially as claimed as specified in claim 32 above. Jawahar further teaches the monitoring to see if the user responds the help button (column 15, lines 3-15; Fig. 7B). Jawahar does not explicitly teaches the measuring the time since the help button was sent to the user to see if the user responses to the help button within a predetermined time, but it is inherent in the teaching, since in steps 232, 236, 238, 240 (Fig. 7B), there should be a time set to verify whether the user selects the help button or not to transmit collected data to server and select an agent to provide help (step 238 in Fig. 7B). Jawahar does not teach the sending another web page without help option. However, such feature is known in the art as taught by Guedalia. Guedalia teaches an Internet browsing system which comprises the sending new HTML page by the server computer to the client computer (column 8-12). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Guedalia before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the sending new page to the user taught by Guedalia so that the user will not be distracted by the help option of the current page.

12. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Srinivasan, and further in view of Gardner.

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Regarding claim 37, Jawahar teaches the invention substantially as claimed as specified in claim 32 above. Jawahar does not teach that the help option is a help screen. However, such feature is known in the art as taught by Gardner. In the same field of providing assistance to a user in a graphical user interface environment, Gardner teaches an on-line interactive, intelligent help system (column 1, lines 7-12); the system comprises the displaying help screen to provide the user with suggestion screens (Fig. 5). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Gardner before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the displaying help screen taught by Gardner with the motivation being to automatically provide the user with suggestions so that the user will receive help quickly without having to click on the help button (Gardner; column 11, lines 37-41).

13. Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Srinivasan, and further in view of Ludtke.

Regarding claim 38, Jawahar in view of Srinivasan teaches the invention substantially as claimed as specified in claim 32 above. Jawahar does not teach the help option is an audio message. However, such feature is known in the art as taught by Ludtke. Ludtke teaches an on-line help system for consumer electronic devices (column 1, lines 7-10), the system comprises the coordinating the presentation of help information in an audio message (column 1, lines 55-61). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Ludtke before him at the time the invention was made, to modify

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the system for providing assistance taught by Jawahar to include the presenting help option in an audio message taught in Ludtke with the motivation being to make the system more user-friendly (Ludtke; column 1, lines 46-48).

Regarding claim 39, Jawahar teaches the invention substantially as claimed as specified in claim 32 above. Jawahar does not teach the help option is a video message. However, such feature is known in the art as taught by Ludtke. Ludtke teaches an on-line help system for consumer electronic devices (column 1, lines 7-10), the system comprises the coordinating the presentation of help information in a video message (column 1, lines 55-61). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Ludtke before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the presenting help option in a video message taught in Ludtke with the motivation being to make the system more user-friendly (Ludtke; column 1, lines 46-48).

Response to Applicant's arguments

14. Applicant's arguments filed 05/09/05 have been fully considered but they are not persuasive.

Arguments regarding claim 23:

In response to Applicant's argument that "Jawahar does not disclose determining whether a customer service representative is available", it is noted that such is not quite the case since Jawahar does teach this feature in lines 17-24 of column 7.

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In response to Applicant's arguments regarding "Official Notice" and "the Examiner is misusing the doctrine of Official Notice" it is noted that Examiner does not use "Official Notice" anywhere in the rejection.

In response to Applicant's arguments that "the Office Action then uses hindsight bases on Applicant's disclosure to produce Applicant's claimed invention" and "Jawahar does not disclose determining whether a customer service representative is available to help customer", it is noted that such is not quite the case. Jawahar's system decides when to offer help to a user upon user's need (col 3, lines 4-12) by monitoring user's behavior (col 14, lines 3-10, lines 31-50), it is inherent that the system should have a technique for determining whether a customer service representative is available to help customer (col 7, lines 20-24) so that when the user selects the "Help" button, the available customer service representative will be connected to the user to provide assistance to the user (col 14, lines 50-54).

In response to Applicant's arguments that "Nowhere does Jawahar disclose, teach, or suggest not sending the help button based on the agent being unavailable", it is noted that this feature is not claimed in claim 23. It is noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Arguments regarding claims 24-31:

Claim 25 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten to overcome the objection due to the

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typographical error set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. (see Paper mailed on 03/29/04 for Reason for Allowance)

Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (see Paper mailed on 03/29/04 for Reason for Allowance)

Since independent claim 23 is not allowed based on the reasons above, claims 24, 29-31 are not allowed (see the rejection of claims 24, 29-31 above).

Arguments regarding claim 32:

In response to Applicant's argument that "Jawahar does not disclose determining whether a customer service representative is available", it is noted that such is not quite the case since Jawahar does teach this feature in lines 17-24 of column 7.

In response to Applicant's argument that "the Office Action is misusing the doctrine of Official Notice" it is noted that Examiner does not use "Official Notice" anywhere in the rejection.

In response to Applicant's arguments that "the Office Action then applies hindsight bases on Applicant's disclosure to produce Applicant's claimed invention" and "Jawahar does not disclose determining whether a customer service representative is available to help customer", it is noted that such is not quite the case. Jawahar's system decides when to offer help to a user upon user's need (col 3, lines 4-12) by monitoring user's behavior (col 14, lines 3-10,

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lines 31-50), it is inherent that the system should have a technique for determining whether a customer service representative is available to help customer (col 7, lines 20-24) so that when the user selects the "Help" button, the available customer service representative will be connected to the user to provide assistance to the user (col 14, lines 50-54).

In response to Applicant's arguments that "Nowhere does Jawahar disclose, teach, or suggest not sending the help button based on the agent being unavailable", it is noted that this feature is not claimed in claim 32. It is noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's argument that "Srinivasan teaches away from not sending the help button based on the agent being unavailable" and "Nowhere in Srinivanan is disclosed, taught, or suggested not sending the help button based on the agent being unavailable", it is noted that this feature is not claimed in claim 32. It is noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Arguments regarding claims 33-39:

Claims 33 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (see Paper mailed on 03/29/04 for Reason for Allowance)

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Since independent claim 32 is not allowed based on the reasons above, claims 34, 36-39 are not allowed (see the rejection of claims 34, 36-39 above).

Allowable Subject Matter

15. Claims 1-12 and 17-22 are allowed. See Paper mailed on 03/29/04 for Reason for Allowance.

Claim 25 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten to overcome the objection due to the typographical error set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. (see Paper mailed on 03/29/04 for Reason for Allowance)

Claims 27, 33, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (see Paper mailed on 03/29/04 for Reason for Allowance)

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu

